

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Scot Decker,)	
)	
Plaintiff,)	CHRISTOPHER NIXON
)	DEPOSITION RULINGS
v.)	
)	Case No. 4:14-cv-00088
)	
I.E. Miller Services, Inc., et. al)	
)	
Defendants)	

The following are the court's rulings with respect to the designations and objections by the parties for the presentation of the deposition testimony of the above-named witness.

Party	Designation	Objection	Ruling	Allowed
P	5/21-6/4			5/21-6/4
D	*5/22-5/24			
P	7/21-9/18			7/21-9/18
D	*7/21-9/15			
P	9/22-10/8			9/22-10/8
D	*9/22-10/1			
P	10/20-10/25			10/20-10/25
D	11/6-12/12	Pl objection 11/6-12/12 for lack of relevancy and suggests unsafe conduct Cyclone	Sustained for lack of relevancy	
D	12/23-13/11	Pl objection 12/23-13/9 for lack of relevancy and reference to another accident	Sustained for lack of relevancy and other accident that is subject to motion in limine rulings	

P	*13/12-13/22			13/12-13/22
D	14/5-16/5	P objects to 15/4-16/5 for lack of relevancy	Sustained	14/5-15/2 15/24-16/5
P	*14/5-15/23	Inconsistent with objection for part		
P	17/3-17-5			17/3-17-5
D	17/24-19/25	Pl objection lack of relevancy, lack of foundation, violation of Rule 404	Overruled	17/24-19/25
P	20/15-21/14	P withdraws re ruling motion in limine		
P	21/23-21/25	P withdraws re ruling motion in limine		
D	22/11-23/8	P objects lack of foundation and relevancy and improper character evidence	Overruled	22/11-23/8
D	25/11-26/4	P objects 25/20-26/4 re ruling on motion in limine	Sustained	
D	26/19-27/24	Pl objects lack of relevance and foundation, improper character evidence, speculation	Sustained	
P	27/25-28/17			27/25-28/17
D	28/22-29/7	Pl objects lack of relevancy and foundation	Sustained	
P	29/8-29/14			29/8-29/14
P	30/8-30/22			30/8-30/22
P	31/3-31/13			31/3-31/13

P	31/18-32/20	P withdraws		
P	33/15-33/19	P withdraws		
P	35/16-37/6			
P	37/19-38/5			
D	40/13-47/13	P objects at 42/16 for lack of foundation	Overruled	40/13-47/13
P	*42/20-43/7			
P	*43/24-45/6			
P	*45/9-45/18			
P	47/14-47/16			47/14-47/16
D	48/22-49/24			48/22-49/24
P	*49/1-49/13			
P	*49/17-50/9			49/25-50/9
D	50/16-53/22	P objects to portions as hearsay	Sustained	50/16-51/20 52/13-52/24
P	*50/16-51/10			
P	*51/21-52/12			
P	*52/20-52/24			
P	53/24-54/5	P withdraws		
D	54/6-54/14			54/3-54/14
P	54/15-55/21			54/15-55/21
D	55/22-55/24			55/22-55/24

P	55/25-56/12	D objects to 56/10-56/12 as speculation	Overruled because witness testified not certain but that was he thought based on observations - but play the question and answer at 56/13-56/14	55/25-56/12 56/13-56/14
P	56/15-57/2	D objects based on lack of personal knowledge and speculation	Overruled witness states saw connection fairly contemporaneous to accident and remainder layperson observation that it would not have changed	56/15-57/2
P	57/6-57/10			57/6-57/10
D	57/11-58/3	P objects for lack of foundation and relevancy and speculation	Overruled but need to complete answer	57/11-58/12
P	58/2-58/24			58/2-58/24
D	*58/21-59/8	P objects for lack of foundation and relevancy and speculation	Overruled; also fair to complete testimony being offered by pl next; opened door b other trial testimony offered	
P	59/9-59/25			59/9-59/25
D	60/12-60/20			60/12-60/20
P	63/6-63/15			63/6-63/15
D	63/20-64/3	P objects lack of foundation, hearsay, and speculation	Overruled; also open door based on other questions of P counsel	63/20-64/3

P	64/7-64/18	D objects based on speculation, not responsive, and untimely designation	Sustained in part lack of personal knowledge	64/15-64/18
P	65/1-65/19			65/1-65/19
D	65/20-68/2	P objects lack of foundation, hearsay, and speculation, and hearsay	Overruled; also open door based on other questions of P counsel	65/20-68/2
P	68/6-68/17	D objects based on not responsive to question, speculation, and lack of relevancy	Overruled but need to play 68/18-68/22 for context and for next designation	68/6-68/17
P	68/23-69/5		See above	68/18-69/5
D	69/6-70/17	P objects based on lack of foundation, hearsay, and improper character evidence	Overruled	69/6-70/17
D	72/4-73/19	P objects based on lack of foundation, hearsay, and improper character evidence	Sustained based on ruling on motion in limine re other accident evidence	
D	74/23-76/1	Same as above	Sustained as above	
P	77/2-77/14			77/2-77/14
D	78/5-80/21			78/5-80/21
P	81/7-81/12	D objects as taken out-of-context and relevancy	Overruled	81/7-81/12
P	81/22-82/6	Same as above	Overruled	81/22-82/6
P	82/22-82/23	Objection - improper opinion, speculation, and lack of personal knowledge	Sustained	
P	82/25-83/10	Same as above	Sustained	

P	83/15-83/23			83/15-83/23
P	84/14-84/25			84/14-84/25
P	85/3-88/15			85/3-88/15
P	88/17-89/7			88/17-89/7
P	91/1-94/17	D objects based on vagueness, non-responsive, lack of personal knowledge, and speculation	Sustained in part re lack of foundation and exceeds proper lay witness testimony about what crane operators and supervisors should have done and in part repetitive	
P	94/19-95/25		Sustained repetitive	

IT IS SO ORDERED.

Dated this 8th day of February, 2018.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court